

Application No. 10/693,745
ALE 4570 80A

REMARKS

The Examiner has objected to claim 6 because of its dependency on canceled claim 4.

Upon review, Applicants have amended claim 6 so that it now depends from independent claim

1. As such, the Applicants believe the objection has been overcome and should be respectfully withdrawn by the Examiner.

Claims 1, and 6-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,731,650 granted to Scheucher. Without taking a position as to the Examiner's interpretation of the cited reference, the Applicants have amended independent claim 1 to clarify the claimed subject matter. In particular, claim 1 now sets forth that each brush retainer has a gap between the third member and the end plate. Scheucher clearly does not teach such a brush retainer with an opening to receive the brush, wherein one of the walls has a gap. Therefore, independent claim 1 is not anticipated by Scheucher, and as such, it is respectfully submitted that independent claim 1, and all claims depending from that claim are allowable.

Applicants also note another distinction between Scheucher and Applicant's invention with respect to claim 8. Scheucher teaches a brush holder (33) having a "generally T-shaped spring support (37) extending outwardly on one side... The spring support (37) is used to mount brush springs (39) along one side of the holder 33." Thus, the spring support (37) taught by Scheucher is formed as part of the brush holder (33) itself. In contrast, the Applicant's claim 8 discloses a spring holder extending from the end plate assembly, not extending from the brush holder as taught by Scheucher. Thus, Scheucher does not meet all the limitations of claim 8. Therefore, Applicants request that claim 8 be reconsidered, and granted allowance.

The Scheucher reference can be further distinguished by the limitations of Applicant's

Application No.: 10/693,745
ALE 4570 80A

claim 10. The Examiner has indicated that the first and second projections of claim 10 are found in Scheucher. However, the limitations of claim 10 require that the second leg of the spring assembly be receivable against the second projection to insert or remove said brushes. While Scheucher may disclose two "projections" in the form of T-shaped spring supports (37), such supports (37) are not structurally arranged to allow the second leg of said spring assembly to be receivable against said second projection to allow a user to easily insert or remove the brushes. Rather the pair of T-shaped spring supports (37) described in the specification and in Fig. 5 of Scheucher are in an opposing arrangement to allow for the mounting of a plurality of springs (39). Thus the spring supports (37) shown in Fig. 5 of Scheucher would not allow the second leg of a spring assembly to be receivable against the opposing spring support (37) so as to facilitate the insertion or removal of the brushes as taught in claim 10.

Furthermore, the T-shaped spring supports (37) in Scheucher, are formed as part of the brush holder (33) that is used to hold the brush springs (39). Specifically, Scheucher states "...the brush holder (33) also has a generally T-shaped spring support (37) extending outwardly on one side..." However, the second projection of Applicant's claim 10 is formed on the end plate, and not as part of the brush holder as taught in Scheucher. Therefore, since each and every element of the claimed invention is not taught or suggested in the cited references, it is respectfully requested that the rejection of claim 1 be reconsidered and withdrawn. With it being the position of the Applicants that claim 1 is allowable, all claims depending therefrom are likewise deemed allowable.

Finally, claims 9 and 10 have also been amended for clarification purposes and no new matter has been added.

Application No 10/693,745
ALE 4570.80A

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request that the Examiner reconsider and withdraw the rejections provided in the last Office Action. Inasmuch as the amendments to the claims are for clarification of the subject matter, it is submitted that no new issues have been raised and that further searching is not required. Accordingly, a formal Notice of Allowance of claims 1 and 6-10 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number ALE.4570.80A for billing purposes.

Respectfully submitted,



Andrew B. Morton, Reg. No. 37,400
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower -- Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
E-mail: morton@rennerkenner.com
Attorney for Applicant(s)

February 11, 2005

6 of 6